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Judge sides with Clinton *Members of Congress to appeal dismissal*

WASHINGTON, DC -- A federal judge on Tuesday dismissed the lawsuit of a bipartisan coalition of 31 congressmen against President Clinton for his violation of the 1973 War Powers Resolution with regards to the ongoing military action in Yugoslavia. Their lawsuit stems from the fact that the President has violated the Resolution by not making required reports and proceeding without the explicit approval of the Congress. "It should not be surprising that the courts, like the administration and more than fifty years of congresses, disregard the clear wording of the Constitution's Article 1, Section 8, which gives the power to declare war to the House of Representatives and the Senate," said Rep. Ron Paul, an original plaintiff in the case. He said the plaintiffs, led by Rep. Tom Campbell (R, CA), will appeal the decision to dismiss. "The opinion of the federal district court, in its own terms, rejects all previous opinions of the district court and circuit court, holding instead that the Supreme Court's opinion in *Raines v. Byrd* is the only relevant precedent," said Rep. Tom Campbell. "In *Raines*, a group of legislators sued over the line-item veto, but they were denied standing because they were not in a position to state their votes on any particular issue had been entirely nullified. By contrast, the group of Members of the House who are plaintiffs here had their votes against the war in Yugoslavia completely nullified by the President's continuing with that war. Accordingly, the federal district court reasoned further that the actions of the House in approving appropriations for the war constituted a significant indication that the Congress does not seek a conflict with the executive. That belies the statement in the War Powers Act that no appropriation should be taken as authorization, in light of the fact that Members of Congress will often vote funds for a war once American troops are engaged in it. The court also said that the failure of the House to pass a concurrent resolution calling for the immediate removal of the troops deprived the House Members of standing. This, to my knowledge, is the first time in judicial history where the failure of a House of Congress to do something is held to have legal significance." Rep. Paul said he believes the courts action on Tuesday seriously undermines the constitutional provision for war-making. "Today's ruling essentially prevents a Member of Congress from contesting a war that the President initiates without a declaration of war from Congress. It essentially creates a constitutional impasse that the courts are supposed to be there to resolve in the clear light of the Constitution. It is a shame the judge has rejected his constitutional obligation to hear the merits of the case," said Rep. Paul. "I am pleased the our bipartisan coalition is going to stand firm on this issue and immediately appeal the decision the US Court of Appeals for the District of Columbia Circuit."

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